<center>**Remarks**</center>

<u>Amendments to the Claims</u>

The claims are amended to recite "a Spy0269 antigen" and "a Spy0416 antigen" instead of GAS 40 and GAS 57, respectively. "GAS 40" is identified as Spy0269 on page 4, lines 22-26. "GAS 57" is identified as Spy0416 on page 26, lines 23-25. New claims 28 and 29 are supported on page 4, lines 23-40. The amendments do not add new matter.

<u>Response to Restriction Requirement</u>

Applicants elect Group I (claims 1-14 and 23) and the combination of Spy0269 and Spy0416. Applicants also elect SEQ ID NO:1 *__with traverse__*. Group I claims 1, 2, 4-10, 14, and 23 and new claims 28 and 29 read on the provisionally elected invention and amino acid sequence.

The Manual of Patent Examining Procedure sets forth two criteria that must be met to make a proper restriction requirement. First, as stated in 35 U.S.C. § 121, the inventions must be independent or distinct. Second, there must be a "serious burden" on the examiner to justify the restriction. M.P.E.P. § 803. The M.P.E.P. further states that a serious burden may be *prima facie* shown "if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP § 802.02." On the other hand, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803.

In this case, the *prima facie* showing of a serious burden has not been met with respect to the provisionally elected sequence SEQ ID NO:1. At most, election of this sequence should be a

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species requirement, rather than a requirement that Applicants narrow the invention to a particular sequence at this stage in prosecution.

Respectfully submitted,

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